

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

TYRONE LEE FUTRELL, SR.

PLAINTIFF

v.

No. 3:13-cv-143-DPM

GOSNELL POLICE DEPARTMENT

DEFENDANT

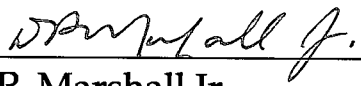
ORDER

The Court must dismiss a case brought *in forma pauperis* if the Court determines that the action “fails to state a claim on which relief may be granted[.]” 28 U.S.C. § 1915(e)(2)(B)(ii). Every claim filed in federal court must be “plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The Court noted both these requirements in June when it ordered Futrell to submit an amended complaint with facts that made out a plausible claim for employment discrimination under federal law. *No. 4*. The Court notes and appreciates Futrell’s timely amended complaint, *No. 5*, but it does not pass muster.

The Court is mindful that a Title VII plaintiff does not need to plead facts filling out the elements of a *prima facie* case. *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506 (2002). But Futrell’s complaint does not state a claim at all.

Futrell has said only that the Gosnell Police Department has repeatedly failed to hire him. *No 5 at 2*. The complaint lacks even the conclusory allegation (disapproved in *Iqbal*) that the Department's motives for passing him over were unlawful. Because Futrell has not made out a plausible claim for unlawful discrimination, the Court dismisses his complaint.

So Ordered.



D.P. Marshall Jr.
United States District Judge

